

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION

Priorities for Supplemental Environmental Projects

September 2009
Executive Officer's Report

In March 2009 the Regional Board held an informational workshop on its enforcement function and consideration of Supplemental Environmental Projects (SEPs). In June 2009, the Executive Officer's Report summarized the distribution of Administrative Civil Liabilities (ACL), noting that 34 percent of liabilities imposed since 2000 have been suspended for use in SEPs. At the June 2009 Regional Board meeting, board members discussed the use of funds from SEPs and, alternatively, the Cleanup and Abatement Account for water quality improvement projects and asked staff to report on priority uses of SEPs.

In June 2009, the State Water Board adopted the "Policy for Supplemental Environmental Projects," which provides further guidance for staff and the Board. Traditionally, SEP applications would be reviewed for consistency with State Policy, benefit to the region's water quality of beneficial uses, and likelihood of successful implementation. The reviews would periodically be refined based on staff's experience managing and evaluating previous SEPs. Staff would then provide a recommendation to the Board during an agenda item involving a SEP.

In response to the Board's discussion and the new SEP Policy, staff has been refining a two-step process for making SEP recommendations to the Board. First, staff would consider whether the SEP would serve the interests of the Board by providing any of the following four outcome-oriented performance objectives.

1. Supplemental ambient monitoring;
2. Supplemental cleanup of legacy or non-point pollution;
3. Supplemental protection or restoration of wetlands and streambeds; and
4. Supplemental basin planning studies.

Second, staff would consider the following five-part criteria:

1. Does the SEP further the mission of the Regional Board?
2. Has the Discharger considered and committed to the SEP?
3. Does the SEP have a definitive beginning and end, and is the SEP timely?
4. Is the SEP "shovel-ready;" Are permits, planning, and design complete? and
5. Are there measureable performance objectives?

Staff's process is a strategic approach to planning and prioritizing SEPs within the business functions of the Regional Board. Staff intends to provide written evaluations of the criteria to the Board for each agenda item in which SEPs are proposed.